

## REMARKS

Claims 1-7 currently are pending in the above-captioned patent application and are subject to examination. Reconsideration of the application is respectfully requested in view of the following remarks.

Entry of this Response is proper under 37 C.F.R. § 1.116 since this Response: (a) places the application in condition for allowance for reasons discussed herein; (b) does not raise any new issue regarding further search and/or consideration since the Response simplifies issues previously discussed throughout prosecution; (c) does not present any additional claims without canceling a corresponding number of finally-rejected claims and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment is necessary because it is made in reply to arguments raised in the rejection. Entry of the Amendment is thus respectfully requested.

In the Office Action mailed November 30, 2004, claims 1-7 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,477,526 to Hayashi *et al.* ("Hayashi") and claims 6-9 of U.S. Patent No. 6,532,475 to Nakano *et al.* ("Nakano"). Applicant respectfully traverses this rejection, as set forth below.

Applicant respectfully submits the two (2) attached Terminal Disclaimers to overcome the obviousness-type double patenting rejections based on Hayashi and Nakano. It is respectfully submitted that the filing of said Terminal Disclaimers is not an admission by the Applicant of the propriety of the rejection. Given the above, Applicant

respectfully requests that the obviousness-type double patenting rejections be withdrawn, and that claims 1-7 be allowed.

### **Conclusion**

In view of the above, Applicant respectfully submits that each of claims 1-7 is in condition for allowance, and a notice to such effect is earnestly solicited.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant's undersigned representative at the telephone number listed below to expedite resolution of any outstanding issues.

Applicant is enclosing a Petition for a Two-Month Extension of Time and the appropriate fee therefore. Nevertheless, in the event any further extension is necessary, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300.

Respectfully submitted,

  
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Enclosures    Petition for Two-Month Extension of Time  
                  Two (2) Terminal Disclaimers  
                  Two (2) Statements Under 37 CFR § 3.73(b)